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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/831,287	08/27/2001	Cornelius Peter	TRW20269	2716

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EXAMINER

TAMAI, KARL I

ART UNIT	PAPER NUMBER
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2834

DATE MAILED: 08/20/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/831,287

Applicant(s)

PETER ET AL.

Examiner

Tamai IE Karl

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 10-18 and 20-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 10-18 and 20-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Specification

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Drawings

2. The objection to the drawings under 37 CFR 1.83(a) is withdrawn.

Claim Objections

3. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 10-28 have been renumbered 11-29.

The examiner assumes that the applicant inadvertently cancelled claims 2-9 rather than 2-10. Claim 10 being dependent on cancelled claim 9. The applicant is instructed to cancel claim 10, and make note of the renumbers newly added claims.

4. Claim 10 is objected to because of the following informalities: it depends from a cancelled claim. Appropriate correction is required.

Claim Rejections - 35 USC § 112

5. The rejection of Claims 11-18 and 20-29 under 35 U.S.C. 112, first paragraph, is withdrawn.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1, 11, 12, 15-18, 20-24, 26, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al. (Hara)(US 4,975,607) and Elsing et al. (Elsing)(US 5,376,850). Hara teaches a punchout base 14 with a grid/holes for the shaft and screws with a stator rigidly retained through the base and having an air gap with the shaft support 9. Hara teaches a screw extending up from underneath the base to torque couple with the housing. Hara teaches the stator to be directly attached to the baseplate and not the housing is not persuasive because the stator includes the laminations 12 and the white spacer to position the laminations in regards to the baseplate 14. Hara does not teach a housing or stator being supported traverse the shaft support. Elsing teaches the base integrally fastened to the housing with a rotating shaft and a couple for the stator which is only traverse to the shaft support. It would have been obvious to a person of ordinary skill in the art to construct the motor of Hara with the o-ring (traverse support) for the stator to reduce vibrations as taught by Elsing,

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and with a rotary shaft because Elsing teaches the equivalence of the shaft to be stationary or rotary, and the with housing of Elsing to protect the motor.

The examiner notes in regards to claims 11-29, the o-ring couple of Elsing is identical to the o-ring coupling of the applicant, which is held forth by the applicant as being "essentially incapable of transmitting torque". The examiner notes the pump is not positively recited, but is only an intended use in the preamble.

8. Claims 13, 14, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al. (Hara)(US 4,975,607) and Elsing et al. (Elsing)(US 5,376,850), in further view of Norton et al. (Norton) GB 2,293,695). Hara and Elsing teach every aspect of the invention except a viscous medium or grease in the gap. Norton teaches that grease (a viscous medium) is used to dampened vibration with the stator support. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Hara and Elsing with the gap having grease to reduce vibrations.

9. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hara et al. (Hara)(US 4,975,607) and Elsing et al. (Elsing)(US 5,376,850), in further view of Shin (US ,5942,821). Hara and Elsing teach every aspect of the invention except a a torque coupling means between the housing and the base. Shin teaches flutes between the base 11 and housing 10. It would have been obvious to a person of ordinary skill in the art at the time of the invention to construct the motor of Hara and Elsing with the flutes of Shin to facilitate manufacture of the motor.

Response to Arguments

10. Applicant's arguments filed June 9, 2003 have been fully considered but they are not persuasive. The examiner notes that claim 10 is still pending, and depends from a cancelled claim. The Applicant is instructed to cancel claim 10.

The Applicant's argument that Hara does not teach a stator connected to a base plate is not persuasive. Hara teaches the stator 12 mounted to a base plate 14 which is punched out to form a grid/holes for the shaft and screws. The Applicant's argument that the base plate provides a damping effect is not persuasive because the limitation is not claimed. Hara teaches the stator connected to the housing 7 through a baseplate 14. Applicant's argument regarding the substantial benefits of the Applicant's intervening base plate is not persuasive because the Applicant has not claimed any structural features of the baseplate to distinguish over the baseplate of Hara. The Applicant's argument that independent claim 24 requires the stator to be directly attached to the baseplate and not the housing is not persuasive because the stator includes the laminations 12 and the white spacer to position the laminations in regards to the baseplate 14. The Applicant's argument regarding the pump motor of claims 28 (applicant argued that claim 29 was independent, but claim 28 is the independent claim), is not persuasive because the motor structure is properly rejected and the pump is not given patentable weight because it is in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process

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steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951). In the instant application the body of the claim does not rely on the preamble for completeness. Hara teaches every aspect of the invention, including the gap between the stator laminations and the shaft support, except the resilient member in the gap. Elsing clearly motivates a resilient member 60 between the stator laminations 56 and the shaft support 54 to reduce vibration and noise. The rejection is proper and maintained.

Conclusion

11. Applicant's amendment necessitated the new grounds of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

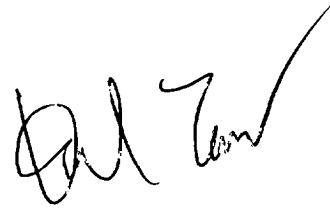
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12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl I.E. Tamai whose telephone number is (703) 305-7066.

The examiner can be normally contacted on Monday through Friday from 8:00 am to 4:00 pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Nestor Ramirez, can be reached at (703) 308-1371. The facsimile number for the Group is (703) 305-3432.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Karl I Tamai
PRIMARY PATENT EXAMINER
August 19, 2003

A handwritten signature in black ink, appearing to read 'Karl I. Tamai', with a large checkmark-like flourish at the end.

KARL TAMAI
PRIMARY EXAMINER